

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

STEPHEN SCHALLER,)	
)	
Plaintiff.)	
)	No. 3:04:0545
v.)	
)	JUDGE TRAUGER
DONELSON AIR CONDITIONING COMPANY,)	JUDGE KNOWLES
)	
Defendant.)	
)	

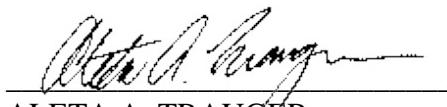
ORDER

For the reasons stated in the accompanying Memorandum, the Motion for Summary Judgment of Defendant Donelson Air Conditioning (Docket No. 12) is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** with respect to plaintiff Stephen Schaller's claim of discrimination on the basis of disability under the Americans With Disabilities Act, 42 U.S.C. § 12101, *et seq.*, and the Tennessee Handicap Discrimination Statute, Tenn. Code Ann. § 8-50-103, *et seq.*, and this claim is hereby **DISMISSED**. The motion is also **GRANTED** with respect to Schaller's claim of discrimination on the basis of age under the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, and the Tennessee Human Rights Act, Tenn. Code Ann. § 4-21-101, *et seq.*, and this claim is hereby **DISMISSED**. The motion is **DENIED** with respect to Schaller's claim of retaliation under the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.*.

It is further **ORDERED** that the parties shall submit a supplemental joint mediation report by August 8, 2005.

It is so ordered.

Enter this 4th day of August 2005.



ALETA A. TRAUGER
United States District Judge